



CULTURAL RESOURCES COMPLIANCE



Sarah Meitl, Archaeologist/Review & Compliance Coordinator,
Alaska State Historic Preservation Office (SHPO)

State and Federal Authority

- Office of History and Archaeology
 - ▣ OHA
 - ▣ State authorities

- Alaska State Historic Preservation Office
 - ▣ SHPO
 - ▣ Federal authorities



Federal & State projects

- Alaska Historic Preservation Act
AS 41.35

- State land, funding or permit
- Agency consults with OHA

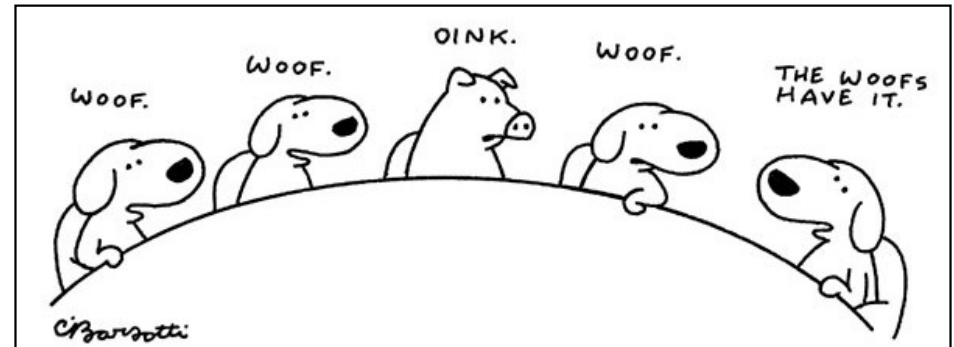


- National Historic Preservation Act
54 U.S.C. 306108 (specifically Section 106)

- Federal land, funding or permit
- Agency consults with SHPO

Section 106

- 36 CFR 800
- Federal agency responsibility
- Process oriented
 - ▣ Takes time
- Consultation
 - ▣ Consulting Parties
 - ▣ Government to Government



A.S. 41.35.070

- Preservation of historic, prehistoric, and archaeological resources threatened by public construction
- Recommend regular review of A.S. 41.35.070 (a-f) if questions on process
- No implementing regulations



Process

- Regardless of Federal or State involvement, aim is to *take into account the effects of undertakings on historic properties**:
 1. *Establish Area of Potential Effects (APE)*
 2. *Identify Historic Properties*
 3. *Assess Effects*
 4. *If necessary, Resolve Effects*



*Historic properties include any prehistoric/historic district, site, building, structure, object eligible for or listed on the National Register of Historic Places.

Process

1. Gather information
2. Submit to OHA/SHPO and other parties, as necessary
3. 30-day review period
4. Response: concurrence or comment
 - ▣ May need to repeat steps 1-4
 - Incomplete documentation
 - Parties not consulted
 - Project changes
 - Adverse effects



Consulting with OHA/SHPO

- General email: oha.revcomp@alaska.gov
- Request for project review
 - ▣ Cover letter
 - ▣ Maps and photos
 - ▣ Project details and drawings
 - ▣ Finding of Effect and justification
- Request concurrence
 - ▣ OHA/SHPO will either concur or
 - ▣ Make additional recommendations



Consulting with OHA/SHPO

- Essential Information
 - ▣ Scope of work / project description
 - ▣ Location of project / APE (maps)
 - ▣ Identification efforts
 - Report
 - ▣ Finding of effect
 - ▣ Any avoidance, minimization, or mitigation measures



Request for Review - Checklist

<http://dnr.alaska.gov/parks/oha/pdf/106application.pdf>

Request for SHPO Section 106 Review (36 CFR 800) May also be used for review pursuant to Alaska Statute [A.S.] 41.35.070

Please use this form as a checklist and provide responses as an Appendix to this application. **Incomplete forms may be returned.** At this time, we are unable to accept this application electronically.

Please print, complete, and mail this form and accompanying material (typed) to:

STATE HISTORIC PRESERVATION OFFICE | OFFICE OF HISTORY AND ARCHAEOLOGY | DEPARTMENT OF NATURAL RESOURCES
550 West 7th Avenue, Suite 1310, Anchorage, AK 99501

Please note that as stipulated in 36 CFR 800.2(c), other consulting parties such as the local government and Tribes are required to be notified of the undertaking. Information provided by other consulting parties may cause us to re-evaluate our comments and recommendations. Please note that our comment does not end the 30-day review period provided to other consulting parties.

REQUIRED AGENCY INFORMATION

It is the statutory obligation of the Federal agency to fulfill the requirements of section 106 (36 CFR 800.2[a]). The agency official remains legally responsible for all required findings and determinations (36 CFR 800.2[a][3]).

Federal or State involvement? (Check all that apply) ☐ Funding ☐ Jurisdiction ☐ Permit, license, approval

☐ Federal or State Agency contact information (include name, title, and contact information for agency official)

☐ Signature of agency official

☐ Secondary Contact Information (if different from above)

I. GENERAL INFORMATION

☐ Project Name

☐ Landowner

☐ Project Address / Location

☐ USGS Quad Map Name

☐ Meridian: Township: Range: Section:

☐ NAD 83 Latitude/Longitude:

(Decimal Latitude)

(Decimal Longitude)

II. GROUND DISTURBING ACTIVITY

Examples include, but are not limited to excavation, trenching, grading, tree removal, hydroexcavation, utility installation, new construction, access roads, borrow areas, and staging/storage areas.

DOES THIS PROJECT INVOLVE GROUND DISTURBANCE? ☐ YES ☐ NO

☐ Description of length, width, and depth of proposed ground disturbance

☐ Previous and current land use, condition, and disturbances

☐ Are there archaeological resources on the property? ☐ YES ☐ NO How was this determined?

III. DESCRIPTION OF THE PROJECT (UNDERTAKING)

☐ Detailed written description of the project

☐ Attach localized project map

☐ Attach photographs of the project area (Current, historic, and aerial photos are helpful)

IV. AREA OF POTENTIAL EFFECTS (APE)

The APE is the geographic area or areas within which an undertaking or project may cause direct or indirect changes in the character or use of historic properties. Every undertaking has an APE.

☐ Identify the APE on the USGS map and localized project map

☐ Explain how the APE was developed and how it encompasses potential direct and indirect effects

V. IDENTIFICATION OF HISTORIC PROPERTIES

Defined as prehistoric or historic sites, buildings, structures, objects, districts, landscapes, or properties of traditional religious and cultural importance to Tribes included in, or eligible for, the National Register of Historic Places (NRHP).

Record each cultural resource within the APE using the AHRS Data Form (<http://dnr.alaska.gov/parks/oha/ahrs/ahrsform.pdf>) and/or the AHRS Building Form (<http://dnr.alaska.gov/parks/oha/ahrs/buildinventory.pdf>).

☐ Describe the steps taken (methodology) to identify cultural resources in the APE

☐ Describe, date, map, and photograph all cultural resources located in the APE.

Please select one or more of the following:

☐ Previously-unknown cultural resources present in the APE. Proceed to Section VI.

☐ Known or previously-reported cultural resources present in the APE. Proceed to Section VI.

Using professional judgment, determine if a site reevaluation and updated DOE is necessary. Provide basis for decision.

☐ No cultural resources present in the APE. Proceed to Section VII. Note, finding of effect will be "No historic properties affected."

Alaska Heritage Resources Survey (AHRS) REQUIREMENTS

AHRS numbers are required for all cultural resources in the APE. Shape files should be submitted for each AHRS site location as well as for surveyed areas. Alternatively, you may include a table containing survey and AHRS site boundary metadata in the report. To obtain AHRS numbers or for questions regarding AHRS requirements and shapefile schema, contact our office at 907.269.8721 or visit: <http://dnr.alaska.gov/parks/oha/ahrs/ahrs.htm>.

VI. DETERMINATION OF ELIGIBILITY

A determination of eligibility (DOE) should be provided for each cultural resource in the APE. Only a qualified professional in an appropriate field of study should make these determinations. Please see "How to Apply the National Register Criteria for Evaluation" available at: <http://www.cr.nps.gov/nr/publications/bulletins/nrb15/>. Provide the basis for each NRHP eligibility assessment using the following.

- Category of Historic Property (district, site, building, structure, object, other)
- Historic Context specific to the property type(s)
- Area/s of Significance
- NRHP Criteria for Evaluation (A, B, C or D and criteria considerations A-G)
- Level of Significance: local, state or national
- Seven Aspects of Integrity (location, design, setting, materials, workmanship, feeling and association)

☐ Cultural resources present within the APE but none is eligible for inclusion in the NRHP. Note, finding of effect will be "No historic properties affected."

☐ Historic properties (36 CFR 800.16[d]) present within the APE. Note, the next step is to determine if the effect will be adverse. Apply Criteria of Adverse Effect at 36 CFR 800.5.

VII. FINDING OF EFFECT

Please provide the basis for your finding.

☐ No historic properties affected [36 CFR 800.4(d)(1)].

☐ No Adverse Effect [36 CFR 800.5(b)]. See examples of adverse effects at 36 CFR 800.5(a)(2).

☐ Adverse Effect [36 CFR 800.5(d)(2)]. If an undertaking results in an adverse effect, further consultation must occur to resolve the adverse effect.

☐ Consulting parties: Has this material been provided to other consulting parties (36 CFR 800.2[c]) such as the local government and Tribes? Please explain / describe the nature of this consultation. We request being involved in the consultation process with other consulting parties, as appropriate, if additional information is provided that is relevant to the consideration of historic properties.

How long does it take?

- Start early
 - ▣ The process needs data.
 - May require fieldwork
 - ▣ The process needs consultation.
 - 30-day review periods
 - ▣ Prevent or resolve adverse effects
 - Avoidance, minimization, or mitigation
- Each project is unique.
 - ▣ 30 days to over a year
 - ▣ A consultant can reduce your workload.

“We want to prevent fires”



If you need assistance, contact us!

- Sarah Meitl, Archaeologist / Review & Compliance Coordinator

907-269-8720 sarah.meitl@alaska.gov

- Amy Hellmich, Architectural Historian

907-269-8724 amy.hellmich@alaska.gov

- McKenzie Johnson, Archaeologist

907-269-8726 mckenzie.johnson@alaska.gov

- Liz Ortiz, Archaeologist / DOT Liaison

907-269-8722 liz.ortiz@alaska.gov

- Judith Bittner, SHPO / Chief, OHA

907-269-8715 judy.bittner@alaska.gov



WHEN YOU FIND YOU'RE
IN A HOLE

Stop Digging

Resources

- Office of History and Archaeology
 - dnr.alaska.gov/parks/oha/
- Advisory Council on Historic Preservation
 - www.achp.gov
- National Register Bulletins
 - www.nps.gov/subjects/nationalregister/publications.htm
- Secretary of the Interior Standards
 - www.nps.gov/tps/standards.htm

Questions?



More Information

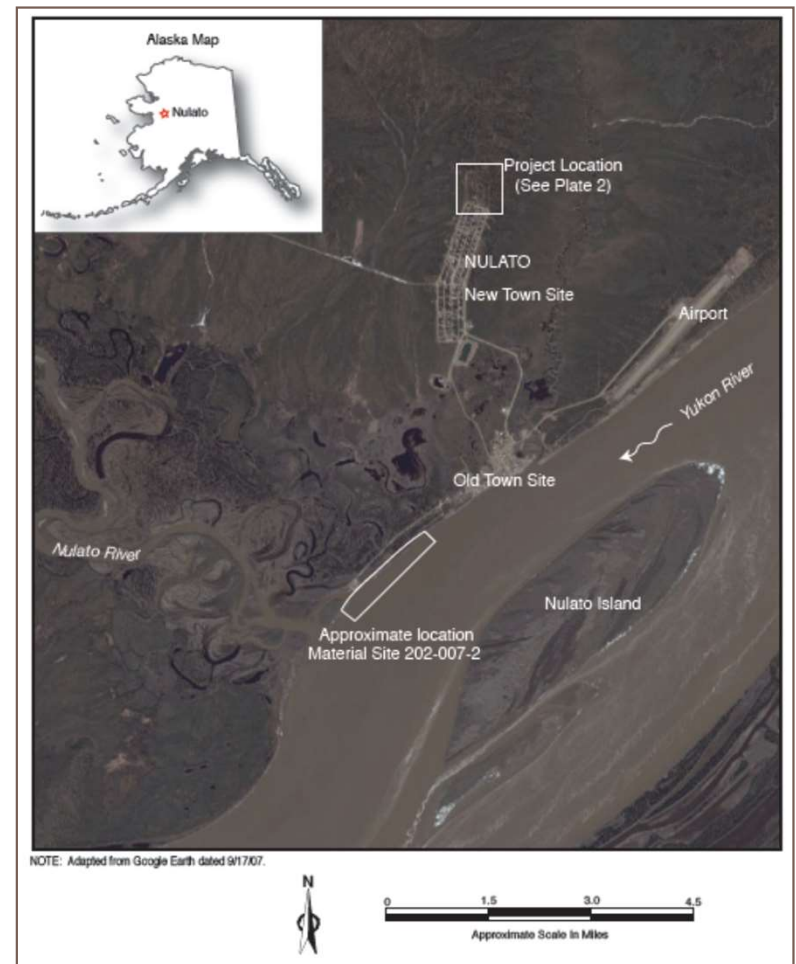


Getting started

□ Project Description

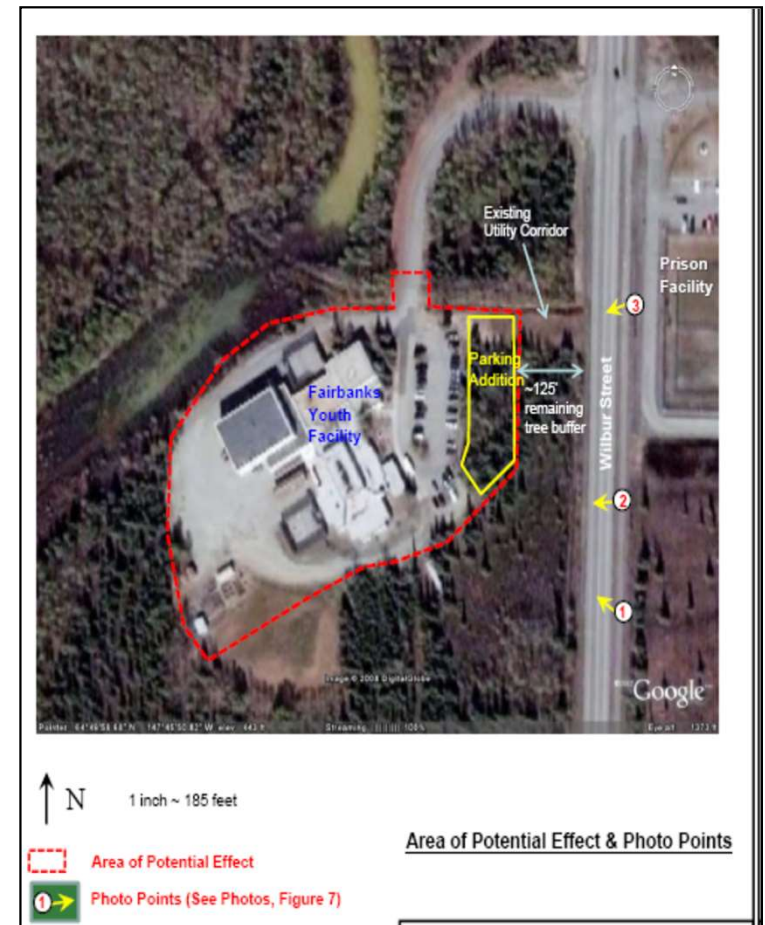
▣ Details on whole of the project

- Material sites
- Staging areas
- Ground disturbance
- Vegetation clearing



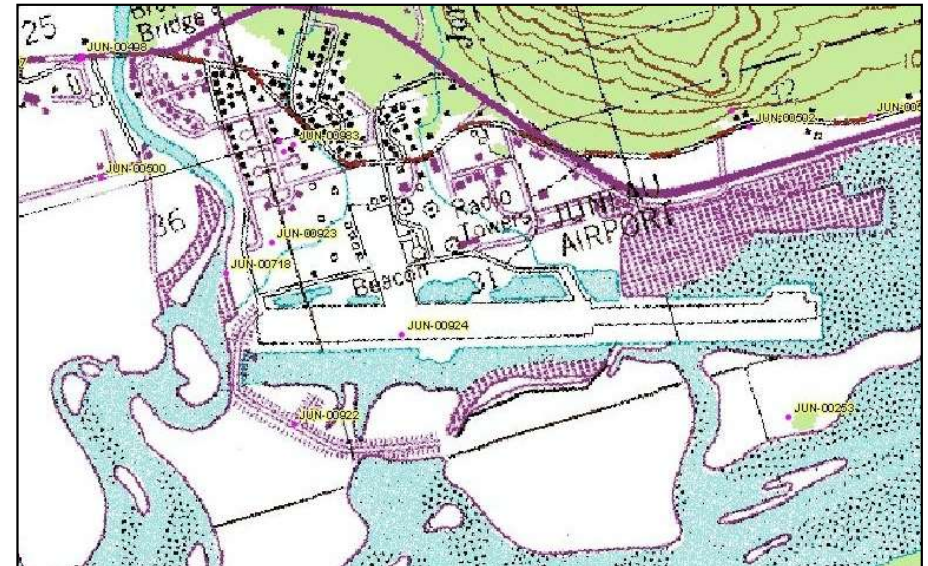
Getting started

- Define the area of potential effects (APE)
 - ▣ geographic area or areas within which an undertaking may directly, or indirectly, cause changes in the character or use of historic properties
 - ▣ Map



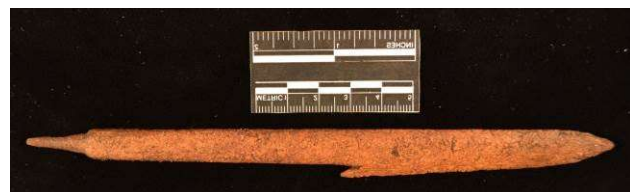
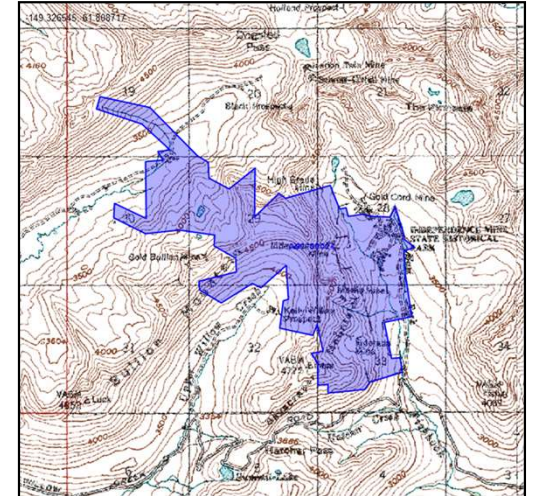
Getting started

- Determine the identification level of effort
 - ▣ What is known?
 - Alaska Heritage Resources Survey (AHRs)
 - ▣ Has there been previous survey?
 - ▣ Potential for sites



Identify Historic Properties

- Identify cultural resources
- Evaluate National Register of Historic Places eligibility



Assess Effects

- Three choices
 - ▣ **No Historic Properties Affected**
 - Done
 - ▣ **No Adverse Effect**
 - May have conditions
 - ▣ **Adverse Effect**
 - Resolve through a Memorandum of Agreement (MOA)



Who do we need to talk to?

- Office of History and Archaeology
 - ▣ Survey Unit
 - Fieldwork
 - ▣ Alaska Heritage Resources Survey (AHRs)
 - Known sites
 - ▣ Review and Compliance
 - Section 106 and AHPA
 - ▣ State Archaeologist
 - State Cultural Resource Investigation Permits
 - ▣ State Historian
 - National Register of Historic Places Program